

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GIGAMON INC.,

Plaintiff,

v.

APCON, INC.,

Defendant.

Civil Action No. 2:19-cv-300-JRG

JURY TRIAL DEMANDED


DEFENDANT APCON, INC.'S SECOND AMENDED TRIAL WITNESS LIST


Defendant Apcon, Inc. ("Apcon") serves the following amended list of trial witnesses pursuant to the Court's instruction in the minute entry from the Pre-Trial Conference on February 22, 2021 (Dkt. 241). Apcon reserves the right to amend or supplement this list. Apcon includes in this trial witness list individuals who may be listed on Plaintiff Gigamon, Inc.'s ("Gigamon") trial witness lists without waiving any right to object to Plaintiffs' presentation of such witnesses at trial, without waiving any objections to the admissibility of any such testimony, and without waiving the right to move for the exclusion of any testimony.

In addition to the witnesses listed herein, Apcon reserves the right to call witnesses designated by Gigamon on its witness list, whether live or by deposition testimony. Apcon reserves the right to amend its list of trial witnesses as appropriate, including in response to circumstances that may occur between now and the conclusion of trial and to the extent permitted by the Federal Rules of Civil Procedure, by the Local Rules, or by other Order of this Court. Apcon specifically reserves the right to amend its list of trial witnesses to include: (1) any persons identified on Gigamon's Pretrial Disclosures; (2) any persons identified in or related to any late-produced documents by Gigamon; and (3) any persons identified in or related to documents produced by Gigamon after the service of this identification of witnesses. Additionally, Apcon reserves the right, should the need arise, to call rebuttal witnesses that are not identified below.



Apcon reserves the right to present deposition testimony of individuals designated by Gigamon. Apcon further reserves the right to amend its designations of testimony as appropriate, including at least for the reasons specifically enumerated above. Finally, Apcon reserve the right to designate and/or counter-designate deposition testimony from any witness or representative of Gigamon who are presented by deposition at trial.

WITNESS	WILL CALL	MAY CALL ¹
Richard Rauch Employer: Apcon Topic: Apcon; Accused Products	X	
Mohit Jalori Employer: Apcon Topic: Apcon; Accused Products		X
Gerry Murphy Employer: Apcon Topic: Apcon; Accused Products	X	
Ambreen Salters Employer: StoneTurn Group LLP Topic: Damages	X	
Stephen Wicker Employer: Cornell University Topic: Patents-in-Suit; Technology-in-Suit; Accused Products	X	
 Employer: Gigamon Topic: Gigamon; Patents-in-Suit; Technology-in-Suit		X

¹ Apcon's listing of the following witnesses is by deposition testimony: 

WITNESS	WILL CALL	MAY CALL ¹
<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> Employer: Gigamon Topic: Gigamon; Finance		X
<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> Third-Party Topic: Gigamon; Patents-in-Suit; Technology-in-Suit		X
<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> Third-Party Topic: Gigamon; Patents-in-Suit; Technology-in-Suit		X
<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> Employer: Gigamon Topic: Gigamon; Patents-in-Suit; Technology-in-Suit		X
<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> Employer: Gigamon Topic: Gigamon; Patents-in-Suit; Technology-in-Suit		X
<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> Employer: Gigamon Topic: Gigamon; Sales		X
<div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> <div style="background-color: black; width: 250px; height: 1.2em; margin-bottom: 5px;"></div> <div style="background-color: black; width: 200px; height: 1.2em; margin-bottom: 5px;"></div>		X

Dated: April 12, 2021

Respectfully submitted,

By: /s/ Michael W. De Vries

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Counsel for Defendant Apcon, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on April 12, 2021.

/s/ Michael W. De Vries

Michael W. De Vries

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

I certify that the foregoing document is authorized to be filed under seal pursuant to the Protective Order entered in this case.

/s/ Michael W. De Vries

Michael W. De Vries